

**Attachment A**  
Stipulated Facts

*The undersigned parties hereby stipulate and agree that the following facts are true, and if this case had proceeded to trial, the government would have proven these facts beyond a reasonable doubt. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter proceeded to trial.*

Donald Marcel Rivers Jr. ("Rivers"), age 30, is a resident of Hagerstown, Maryland.

As detailed below, Rivers and his co-conspirators took money that was in the care, custody and possession of a bank from employees of the bank while the employees were present; he used force, violence and intimidation; and he intentionally put the life of the employees in jeopardy by brandishing a gun.

On January 9, 2018, at approximately 10:48 a.m., Rivers, Ashley Nicole Collier ("Collier") and Collier's brother, Timothy Michael McLain ("McLain") robbed the BB&T Bank, located at 1326 Salem Avenue, Hagerstown, in Washington County, Maryland. Rivers arrived at the bank in a grey colored Jeep Grand Cherokee with his two accomplices. McLain and Rivers entered the bank, while Collier drove the Jeep to the parking area of the bank and remained in the driver's seat of the Jeep during the bank robbery.

According to bank surveillance video and witness testimony, Rivers was wearing a black hooded sweatshirt, a black mask, dark pants, dark shoes with shiny material on the side, light colored gloves and was holding a firearm in his right hand. McLain was wearing a black hooded sweatshirt with a white drawstring, a black jacket with shiny materials on the arms, a black hat, a black mask, dark pants, red shoes with a white Nike logo, black gloves and was holding a black duffle bag in his hands. As the two men walked into the bank lobby, Rivers immediately raised his right hand and began pointing the firearm at people inside the bank. Both men yelled and demanded "hundreds and fifties" from the tellers. McLain held the duffle bag for the cash, while Rivers approached several bank employees and pointed the firearm at them and also at a bank customer while yelling at him to get down. The customer held his hands up and complied by getting down on the floor.

The bank employees put cash in McLain's duffle bag, and then the two men ran from the bank to the grey Jeep where Collier was parked. There were no license plates on the Jeep. The two men jumped in the backseat while Collier sped away from the bank.

Rivers, McLain and Collier absconded from the bank with approximately \$6,567.00.

Approximately 20 minutes later, police observed a grey Jeep without a license plate near the road that divides the Maryland and Pennsylvania state line. As the police turned on the lights and siren and attempted to stop the Jeep, the passenger side door swung open while the Jeep was in motion. As the Jeep came to a stop, a man jumped out and fled into a nearby cornfield. The Jeep sped away again. The police caught the man, later identified as Rivers. Rivers had \$2,860.00 in his pocket.



Approximately 20 minutes later, police observed the same grey Jeep parked in a church parking lot in the same general vicinity. About 100 yards away from the Jeep and near a Mennonite school, McLain and Collier were walking on the road. The police arrested both. McLain had \$2,660.00 and a black face mask in his pocket. Collier had a 9mm handgun loaded with nine live 9mm rounds of ammunition and \$1,070.00 in her purse. The 9mm handgun was the same handgun used in the bank robbery, a FMK, 9mm semi-automatic pistol (serial number BT5089). The firearm had been reported stolen from the owner in West Virginia before the date of the bank robbery.

Washington County judicial authorities authorized a search of the grey Jeep. The Jeep was registered to Dianne Rivers, Rivers' mother. Rivers had provided his mother with money and she had purchased the Jeep for Rivers from an automobile auction company several months before the robbery. Rivers was using the Jeep as his vehicle in the weeks and months before the robbery. Inside the Jeep, police located numerous items including: the front and back license plates for the Jeep; a black hooded sweatshirt; two pairs of light colored surgical gloves; a black sweatshirt with white draw strings; a black jacket with shiny portions on the sleeves; a pair of black gloves; a black ski mask; a black duffle bag; and plastic cards belonging to Rivers and Collier, including a Hendershots shooting range badge with Rivers' name and photograph printed on the front of the card. The clothing, gloves, mask and gloves appeared to be the same articles of clothing worn by ~~the~~ Rivers and McLain during the bank robbery.

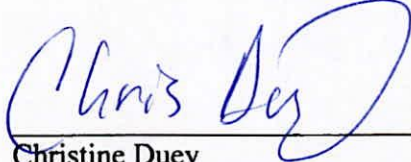
The deposits of BB&T Bank are insured by the Federal Deposit Insurance Corporation.

After his arrest on January 9, 2018, Rivers spoke with his mother on several occasions. A number of these conversations were made from the jail in Washington County, and were recorded. During these communications, Rivers and his mother spoke about a cell phone, <sup>between Jan. 18 and Jan. 22, 2018</sup> and Rivers told his mother to get the cell phone. He also told his mother to delete information on the cell phone. His mother obtained the cell phone, deleted the information from the cell phone, and later destroyed the cell phone after being instructed by a federal grand jury in the District of Maryland to present the cell phone to the grand jury.

Months before the robbery, on or about November 6, 2017, Rivers was in possession of ammunition and firearms at the Hendershots Range in ~~in~~ Washington County, Maryland. According to eyewitnesses including his mother, and records from Hendershots Range, Rivers utilized the Hendershot shooting range on or about November 6, 2017. Further, range receipts indicate that Donald Rivers, Jr. purchased range time; one box of Smith and Wesson .40 caliber ammunition; three boxes of Remington .223 caliber ammunition; two boxes of ACP .380 caliber ammunition; and one box of ACP .45 caliber ammunition, and that he rented at least one firearm. Prior to November 6, 2017, Rivers was convicted of at least one felony punishable by more than one year in prison and as such was prohibited from being in possession of a firearm or ammunition. The ammunition and gun were manufactured outside the state of Maryland and, accordingly were in and affecting interstate commerce at the time of Rivers' use and possession.

that she found in the Jeep after the police released it. Over several calls, Rivers asked his mother to read him the numbers and messages on that cell phone. Afterward, he asked her to give the phone to his nephew but to delete the messages first.

SO STIPULATED:

  
Christine Duey  
Assistant United States Attorney

I have reviewed the foregoing statement of facts with my attorney, understand it, agree with it, and do not wish to change any part of it. I further understand that it is included as part of my plea agreement with the government in this case.

7-12-18  
Date

  
Donald Marcel Rivers, Jr.

I am Donald Marcel Rivers, Jr.'s attorney. I have carefully reviewed the statement of facts with him. He acknowledges it is true and correct and he knowingly and voluntarily agrees to it.

  
Katherine Newberger, Esq.